

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 12-cr-20332

v

Honorable Thomas L. Ludington

MOSES LEROY MITCHELL,

Defendant.

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**ORDER DENYING MOTION TO ADJUST RESTITUTION PAYMENTS**

On December 20, 2012, Defendant Moses Leroy Mitchell pleaded guilty to two counts of Using or Carrying a Firearm During and in Relation to a Crime of Violence, 18 U.S.C. § 924(c). On June 24, 2013, he was sentenced to a total of 35 years' imprisonment and order to pay restitution in the amount of \$47,489.57. J. 2, 5. To facilitate his restitution, the Court directed Mitchell to participate in the Inmate Financial Restitution Program ("IFRP").

On May 12, 2015, Mitchell filed a motion to modify the amount and timing of his restitution payments. Mitchell explains that the IFRP has set his restitution payments at \$100.00 per month—an amount that is too high for him to pay each month. He therefore requests that his payment plan be altered to \$100.00 per year until he has obtained a job that would allow him to pay \$100.00 per month.

The IFRP was created to encourage "each sentenced inmate to meet his or her legitimate financial obligations." 28 C.F.R. § 545.10. The Bureau of Prisons regulations provide that, when an inmate has a financial obligation, including the special assessment and restitution imposed at sentencing, BOP staff "shall help the inmate develop a financial plan and shall

monitor the inmate's progress in meeting that obligation." 28 C.F.R. § 545.11. Participating in the program is voluntary, but loss of certain privileges will result if an inmate chooses not to participate in it. *See* 28 C.F.R. § 545.11(d). In other words, the BOP sets the payment schedule for the IFRP, and the Court will not interfere with the BOP's administration of the program.

In its Judgment, the Court directed Mitchell to participate in the IFRP and approved the payment schedule: "While in custody, the defendant shall participate in the Inmate Financial Responsibility Program (IFRP). The Court is aware of the requirements of the IFRP and approves the payment schedules of this program and hereby orders the defendant's compliance."

J. 6. The BOP determined that Mitchell was capable of making payments of \$100.00 per month, and the Court will not disturb that decision.

Accordingly, it is **ORDERED** that Mitchell's Motion (ECF No. 109) is **DENIED**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: June 9, 2015

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail and on Moses Leroy Mitchell #4720539, Beckley Federal Correctional Institution, Inmate Mail/Parcels, P.O. Box 350, Beaver, West Virginia 25813 by first class U.S. mail on June 9, 2015.

s/Karri Sandusky  
Karri Sandusky, Acting Case Manager